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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,507	02/20/2004	Yuhong Wang	71138.010200A	7585

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EXAMINER

JOHNSON, JERROLD D

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,507

Applicant(s)

WANG ET AL.

Examiner

Jerrold Johnson

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 13, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 14-22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>concurrent</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 11, 14-19, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seigelman US 5,881,883 in view Heldwein US 5,097,949 and Hill US 5,024,536.

Seigelman in Figs. 1a, 4a, and 6a discloses a package for articles comprising first and second inner layers, and first and second outer layers as claimed. Seigelman discloses the use of the package for electronic components and the need for protection from humidity, static electricity, etc.

Seigelman does not disclose at least three longitudinally extending closure lines to form at least two inner chambers, or a permanent seal extending across the top of the at least one of the two inner chambers.

Hill teaches how a multi-layered package can include a third longitudinally extending closure line 15a so as to produce first and second inner chambers so as to separate the contents of the package into different chambers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the package of Seigelman with the teaching of Hill of an additional longitudinal closure line so as to provide the package with additional chambers so that

the contents can be separated between these different chambers. Motivation for such a modification includes the following: aiding the ease with which the contents can be used or counted while in the package, to separate different types of contents into different chambers, etc.

Seigelman does not disclose what type of seal is used at the top of the package so as to produce the intended result of protecting the contents from humidity, static electricity, etc.

Heldwein discloses in col. 3, lines 30-35 the use of heat sealing the top of a package that is similar in its intended use to the package of Seigelman.

It would have been obvious to one of ordinary skill in the art to modify the package of Seigelman with the teaching of Heldwein of a heat seal at the top of the package so as to shield the contents of the bag from humidity, static electricity, etc., as is intended.

Re the claim limitation drawn to: the plurality of articles disposed in at least one of the two inner chambers, and a number of articles disposed in another one of the at least two inner chambers, less than the plurality of articles disposed in the at least one of the at least two inner chambers; this limitation although not explicitly disclosed in the reference to Seigelman or Hill would necessarily result from the modification of the Seigelman package through the teaching of Hill. Both references are drawn to packages for enclosing contents. Hill teaches how contents are distributed between two inner chambers. Were Seigelman modified by the teaching of Hill, the contents of the package of Hill (sensitive electrical components) would be distributed in some manner

Art Unit: 3728

between the two inner chambers. Accordingly, it would necessarily follow that in at least some instances, a greater number of articles would be placed in one chamber than in the other.

Re the new limitation to the heights of the first and second outer layers being substantially less than the heights of the first and second inner layers, note that in Fig. 6a, Seigelman discloses a first outer layer 10 (the front layer in this drawing figure) being substantially less than the heights of the first and second inner layers, but does not show the second outer layer also having this smaller height.

Implicit in the teaching that one outer layer being of a smaller height is a teaching that both would be of this smaller height.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the package of Seigelman v/Heldwein and Hill with the additional outer layer also being of a shorter height so that the benefits of having a smaller front compartment can also be derived in the back compartment of the package.

Re claim 2, see Fig. 1b and Fig. 4b of Seigelman.

Re claim 3, see Hill Fig. 11 which teaches the use of 4 layers of material.

Re claim 4, again see Fig. 1b and Fig. 4b of Seigelman.

Re claim 5, again see Hill Fig. 11.

Re claim 6, see Seigelman col. 3, lines 11-20.

Re claim 11, this limitation is shown in the various embodiments of Seigelman.

Re claims 14-19, 22 and 24 these method claims recite the inherent method of forming the package of Seigelman in view of Heldwin and Hill.

Claims 7,8,20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seigelman US 5,881,883 in view Heldwein US 5,097,949 and Hill US 5,024,536 and further in view of Huseman et al. US 6,575,627.

Seigelman does not disclose the at least one sheet with indicia.

Huseman teaches the use of a sheet with indicia 56 in a multi-layered package so as to provide identification of the contents of the package. Although the package of Huseman may be considered to have a different intended use than Seigelman, the teaching of the sheet with indicia used for identification would be applicable to the package of Seigelman and the contents that would be used in that package.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify the package of Seigelman with the teaching of Huseman of a sheet having indicia so that the package and its contents can be easily identified.

Re claims 20 and 21 these method claims recite the inherent method of forming the package of Seigelman in view of Heldwin and Hill and further in view of Huseman.

Allowable Subject Matter

Claims 12,13,25, and 26 are allowed.

INTERVIEW SUMMARY

An Interview summary is provided herewith for an interview between the Examiner and Douglas Teaney on November 08, 2005. Applicant's proposed claims have been considered, but additional searching will be required to determine the patentability of these claims. The Examiner anticipates that the proposed claims will be submitted by the Applicant in response to this Office Action and will provide a detailed examination of those claims at that time. Accordingly, no agreement was reached on these proposed claims.

Conclusion

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3728

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDJ



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